

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAVID MACDONALD,

Plaintiff,

vs.

CASE NO. 07-12022

UNITED PARCEL SERVICE, INC.,

HON. MARIANNE O. BATTANI

Defendant.

DEBORAH L. GORDON, PLC
Deborah L. Gordon (P27058)
Carol A. Laughbaum (P41711)
Attorneys for Plaintiff
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**PLAINTIFF'S MOTION FOR A STAY PENDING APPEAL
WITH RESPECT TO TAXATION OF COSTS**

Plaintiff **David MacDonald** by his attorneys **Deborah L. Gordon, PLC** moves for a stay pending appeal with respect to taxation of costs in this matter pursuant to this Court's Bill of Costs Handbook and Fed.R.Civ.P. 62 and states as follows:

1. On June 5, 2009, this Court issued its Opinion and Order Granting Defendant's Motion for Summary Judgment, and entered a judgment in favor of Defendant.
2. On December 11, 2009, this Court issued its Order denying Plaintiff's Motion for Reconsideration of the summary judgment ruling.
3. Also on December 11, 2009, the Court Clerk taxed costs against Plaintiff David

MacDonald in the amount of \$7,670.43.

4. Plaintiff is appealing this matter, and pursuant to this Court's Bill of Costs Handbook, §I.B., and Fed. R.Civ. P. 62, moves for a stay pending appeal with respect to any taxation of costs against Plaintiff.

5. Plaintiff sought concurrence in his motion, which has been denied.

WHEREFORE , Plaintiff respectfully requests that this Court enter an Order staying this matter pending appeal, and postponing any taxation proceedings until the conclusion of appellate proceedings.

Respectfully submitted,

DEBORAH L. GORDON, PLC
s/Deborah L. Gordon (P27058)

Carol A. Laughbaum (P41711)

Attorneys for Plaintiff

33 Bloomfield Hills Parkway, Suite 275

Bloomfield Hills, MI 48304

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DATED: December 16, 2009

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**BRIEF IN SUPPORT OF
PLAINTIFF'S MOTION FOR A STAY PENDING APPEAL
WITH RESPECT TO TAXATION OF COSTS**

Plaintiff relies on the Bill of Costs Handbook and Fed.R.Civ.P. 62 in support of his motion.

Respectfully submitted,

DEBORAH L. GORDON, PLC
s/Deborah L. Gordon (P27058)
Carol A. Laughbaum (P41711)
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DATED: December 16, 2009

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2009, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing and service of said documents to all parties through their counsel of record.

DEBORAH L. GORDON, PLC

s/Deborah L. Gordon (P27058)

Carol A. Laughbaum (P41711)

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